

House File 631 - Introduced

HOUSE FILE 631

BY KACENA

A BILL FOR

1 An Act relating to criminal and civil liability of a person who
2 owns, manages, or operates an interactive computer service
3 with the intent to promote or facilitate commercial sexual
4 activity and human trafficking, and providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 710A.1, Code 2019, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4A. *“Interactive computer service”* means
4 any information service, system, or access software provider
5 that provides or enables computer access by multiple users to
6 a computer server, including specifically a service or system
7 that provides access to the internet and such systems operated
8 or services offered by libraries or educational institutions.

9 Sec. 2. Section 710A.2, Code 2019, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 7A. a. A person with a facility in this
12 state, who owns, manages, or operates an interactive computer
13 service, or conspires or attempts to do so, with the intent to
14 promote or facilitate the commercial sexual activity of another
15 person, is guilty of a class “D” felony, except that if the
16 victim is under the age of eighteen, the person is guilty of a
17 class “C” felony.

18 b. (1) A person with a facility in this state, who owns,
19 manages, or operates an interactive computer service, or
20 conspires or attempts to do so, with the intent to promote or
21 facilitate the commercial sexual activity or human trafficking
22 of another person, is guilty of a class “C” felony if any of the
23 following occur:

24 (a) The person promotes or facilitates the commercial
25 sexual activity of five or more persons.

26 (b) The person acts in reckless disregard of the fact that
27 such conduct contributed to human trafficking.

28 (2) If a person commits a violation of this paragraph and
29 the victim is under the age of eighteen, the person is guilty
30 of a class “B” felony.

31 c. Any person injured by reason of a violation of paragraph
32 “b” may recover damages and reasonable attorney fees in an
33 action before any appropriate district court.

34 d. In addition to any other civil or criminal penalties
35 authorized by law, the court shall order restitution to

1 the victim for the full amount of the victim's losses, as
2 determined by the court, for any violation of paragraph "b",
3 subparagraph (2).

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill relates to criminal and civil liability of a person
8 who owns, manages, or operates an interactive computer service
9 with the intent to promote or facilitate commercial sexual
10 activity and human trafficking, and provides penalties.

11 The bill defines "interactive computer service" as any
12 information service, system, or access software provider that
13 provides or enables computer access by multiple users to a
14 computer server, including specifically a service or system
15 that provides access to the internet, and such systems operated
16 or services offered by libraries or educational institutions.

17 The bill provides that a person with a facility in this
18 state, who owns, manages, or operates an interactive computer
19 service, or conspires or attempts to do so, with the intent to
20 promote or facilitate the commercial sexual activity of another
21 person, is guilty of a class "D" felony, except that if the
22 victim is under the age of 18, the person is guilty of a class
23 "C" felony. If the person either promotes or facilitates the
24 commercial sexual activity of five or more persons or acts in
25 reckless disregard of the fact that such conduct contributed
26 to human trafficking, the person is guilty of a class "C"
27 felony, except that if the victim is under the age of 18, the
28 person is guilty of a class "B" felony. A person injured may
29 recover damages and reasonable attorney fees in an action
30 in district court. A court must order the defendant to pay
31 restitution to the victim for the full amount of the victim's
32 losses, as determined by the court, in addition to any other
33 civil or criminal penalties, in which a person acts in reckless
34 disregard of the fact that such conduct contributed to human
35 trafficking.

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1 A class "D" felony is punishable by confinement for no more
2 than five years and a fine of at least \$750 but not more than
3 \$7,500. A class "C" felony is punishable by confinement for no
4 more than 10 years and a fine of at least \$1,000 but not more
5 than \$10,000. A class "B" felony is punishable by confinement
6 for no more than 25 years.